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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/769,294

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Ronald Fredrik Michael Johnson

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EXAMINER

GORT, ELAINE L

ART UNIT

PAPER NUMBER

3687

NOTIFICATION DATE DELIVERY MODE

08/18/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/769,294	<b>Applicant(s)</b> JOHNSON, RONALD FREDRIK MICHAEL	
	<b>Examiner</b> Elaine Gort	<b>Art Unit</b> 3687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,9,10,12-16,18,20 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,9,10,12-16,18,20 and 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
|---|--|

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 26-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 26-31 recite a system comprising logic per se. If logic is merely computer code, then the method fails to comprise any physical elements and the claims are directed toward a computer program claimed as a computer listing per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. See MPEP 2106 IV.B.1(a)

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-16, 18, and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the client" in line 20. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1- 3, 9-10, 12-16, 18, 20, and 22-31 are rejected under 35**

**U.S.C. 103(a) as being unpatentable over Peachey-Kountz et al. (US Patent 6,463,345) in view of Salvo et al. (US Patent 6,341,271) and Examiner's Official Notice.**

Peachey-Kountz et al. discloses the claimed method of real-time inventory item status and information dissemination (column 3 lines 41-56 discloses a method for providing real-time inventory availability information), comprising the steps of:

recording in an inventory database a quantity on-hand (such as the databases used to store data shown in figure 2 in the ATP system 80 and discussed in column 7 lines 25-40. Inventory on hand is allocated to different forecast groups, for example in figure 2 group 1 is allocated 20 on hand and group 2 is allocated 80 on hand inventory items) which includes inventory data for a plurality of inventory items the inventory database being stored in an electronic data storage element in a server (such as the on-line server disclosed in column 6 line 59);

recording in the inventory database a first order for a first inventory item (orders are stored in a database of the ATP System 80 column 7 lines 8-11) and the corresponding order properties, the corresponding order properties comprising a first quantity ordered (such as "firm orders" disclosed in column 7 line 33. Also shown as an example in figure 2, under Demand as an order for 300 units made in period 2), a date ordered (column 5 lines 33 and 34), and at least one of an anticipated delivery time and an anticipated delivery date (column 3 lines 41-44), the first order representing an order placed with a supplier, the first inventory item being one of the plurality of inventory items;

recording in the inventory database a second quantity (for example the amount of inventory to be on-hand for subsequent periods allocated to each forecast group) of the first inventory item received from the supplier by at least incrementing the on-hand inventory item quantity corresponding to the first inventory item, wherein the on-hand inventory item quantity is incremented in an amount equal to the second quantity (for example, figure 2 shows how inventory is incremented. Column 6 lines 29-40 discuss how the available inventory is incremented, such as calculating what is available for a group 1 customer requesting 80 pieces in period 2, the system adds the 20 on-hand from period 1 that was allocated for a group 1 customer and not sold to the 20 currently made available from period 2 to arrive at 40 pieces of available stock for period 2.);

storing in the inventory database information associated with at least one purchase request for a third quantity of the first inventory item, comprising placing a quantity of inventory items on reserve by incrementing in the inventory

database an on reserve inventory item quantity by an amount corresponding to the third quantity for the first inventory item (figure 2 shows how inventory items are reserved by incrementing the inventory database. Column 6 lines 29-40 discuss how available or future inventory is reserved for a customer, such as in the example provided reserving 40 pieces in period 3 to provide the buyer with their 80 units they requested. 40 units were sent in the second period and 40 are reserved to be sent to them in the third period.);

receiving from a user, via a client at least one request for information about the first inventory item (Users submit orders via the "order-entry system" client that interfaces with the ATP server online, column 6 lines 63+);

calculating, via one of the server or the client, an inventory item quantity available for delivery for the first inventory item as a difference between an inventory item quantity on-hand and an inventory item quantity on reserve for the first inventory item (column 3 lines 41-44 discloses a quantity available. Column 6 lines 29-40 and figure 2 discloses how an available quantity is calculated, such as the available to promise amounts, for example the system calculates that it can reserve 40 pieces in period 5 for a customer in forecast group 2.);

displaying for the user, via the client the inventory item quantity available for delivery for the first inventory item (column 3 lines 41-44 discloses providing a customer a quantity available.);

Providing updated inventory item quantity available for delivery for the first inventory item when the inventory item quantity available for the first inventory item changes, thereby providing the client with real-time access to inventory

information about the first inventory item (column 3 lines 50+ discloses a real-time processing system which provides updated inventory quantities in order for multiple users to use the system simultaneously on multiple order entry system); and,

But is silent regarding transmitting the inventory status update from the server to the client when the change in inventory occurs; carrying this transmission out via wireless communications means, such as with a cell phone; and displaying this updated inventory item quantity.

Salvo et al. discloses, in column 8 lines 51-60, that it is known in the art of inventory management to provide an inventory tracking and ordering system with the capability of transmitting inventory status updates (such as alerts of inventory events) from a server (control unit 114 and service center 175) to a client (such as a telephone, pager, computer over the Internet, etc...) when the change in inventory occurs (when the predetermined event occurs, such as a change in economic indicator occurs); carrying this transmission out via wireless communications means (pagers, telephones and Internet computers are capable of wireless communications); and displaying this updated inventory item quantity (the alert would indicate the relevant information and it would be displayed on the pager or computer for example.); to notify the customer when a change in inventory status occurs, provide convenient wireless communications to the customer, and to show the customer the new information, respectively.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method for real-time inventory status

of Peachey-Kountz et al. with the sending of notice to a wireless terminal and displaying the notice on the terminal's display of Salvo et al., in order to notify the customer when a change in inventory status occurs, provide convenient wireless communications to the customer, and to show the customer the new information, respectively.

In the event that Salvo et al. is found to not teach wireless communication means with a display, Examiner takes Official Notice that it is notoriously old and well known in the art of networked systems to use wireless communications in order to eliminate the need to be tied down to one location, and that it would have been obvious to modify the method of Peachey-Kountz et al. and Salvo et al., as modified above, to have wireless capability on the client computer (disclosed as "order entry system" in Peachey-Kountz et al.) in order to allow the customers to not be tied down to one position by wires.

Regarding the use of the web, web browser and custom software on the client's system, the Examiner takes Official Notice that it is old and well known in the art of networked systems to use the internet also called the World Wide Web (web), use web browsers and custom software to interface server applications over the Internet to allow wide communication while also controlling access to a server's applications. Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Peachey-Kountz et al., Salvo et al. and Examiner's Official Notice, as modified above, to use the web, web browsers and custom software on client computers in order to have wide communication while also controlling access to the ATP server.



Regarding the use of UPC barcodes, scanning of these labels and tracking the return of items, the Examiner takes Official Notice that it is old and well known in the art of inventory tracking to use of UPC barcodes and scanners for scanning these labels to assist in the data entry of items into inventory and additionally that returned items are tracked and added back into inventory to provide an accurate assessment of what is in stock. Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Peachey-Kountz et al., Salvo et al. and Examiner's Official Notice, as modified above, to use UPC barcodes and scanners for scanning these labels to assist in the data entry of items into the inventory database and to track returned items by adding them back into inventory in order to provide an accurate assessment of what is in stock.

Regarding consolidating inventory item reservation requests, the Examiner takes Official Notice that it is old and well known for purchases to include more than one kind of item, for example a buyer may wish to purchase two different type of computer chips and have them shipped together, therefore it would have been obvious to one of ordinary skill in the art of on-line purchases to consolidate inventory item reservation requests by a buyer in provide the buyer the two different items together and to ship the items together.

### ***Response to Arguments***

7. Applicant's arguments filed 5/7/08 have been fully considered but they are not persuasive.

The Applicant has argued that Peachy-Kountz does not disclose the ability to "reserve" current stock, only anticipated supply. Peachy-Kountz discloses reserving current and anticipated inventory. For example if in period 5 there are 40 units available and a buyer falls into the "forecast group 2" and wants 20 units, then the 20 units are shown in the demand section as they are reserved for that customer, and these 20 units are deducted from the 40 units shown in the Profit Available To Promise (ATP) table and this table would then show only 20 units available to promise to anyone in group 2.

The Declaration has been considered and has not overcome the art rejection.

Applicant further argues that Peachy-Kountz does not disclose marking inventory items as "reserved" as an order is placed. Examiner contends that Peachy-Kountz discloses marking the inventory items as "reserved" when the order is entered into the system, as column 6 lines 64+ discloses the system tracking orders in real-time, thus the entering of an order "reserves" the inventory items when the order is placed.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on 571/272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3687

/Elaine Gort/

Primary Examiner, Art Unit 3687

August 11, 2008